

Message Text

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TO USMISSION GENEVA PRIORITY

C O N F I D E N T I A L STATE 113217

FOR AMBASSADOR RICHARDSON

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: VICE PRESIDENT'S VISIT TO INDONESIA: LOS

1. IN VIEW OF INDICATIONS THAT INDONESIANS MAY RAISE
LOS MATTERS DURING VICE PRESIDENT'S VISIT TO JAKARTA
BEGINNING MAY 5, FOLLOWING TALKING POINTS HAVE BEEN
PREPARED AND TRANSMITTED TO VICE PRESIDENT'S PARTY.

2. LAW OF THE SEA: TALKING POINTS

-- A SUCCESSFUL CONCLUSION OF AN LOS TREATY WOULD DEMON-
STRATE THAT THE DEVELOPED AND DEVELOPING COUNTRIES CAN
ARRIVE AT MUTUALLY ADVANTAGEOUS ARRANGMENTS FOR DEALING
WITH GLOBAL PROBLEMS.

-- WE HOPE THAT THE CLOSE AND FRUITFUL CONSULTATIONS THAT
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HAVE TAKEN PLACE BETWEEN OUR DELEGATIONS IN THE PAST WILL
CONTINUE.

-- THE UNITED STATES AGREED PRIVATELY AT THE SIXTH SESSION
WITH THE INDONESIAN DELEGATION TO SUPPORT A REASONABLE
ARCHIPELAGIC ARTICLE IN AN LOS TREATY WHICH CONTAINS
SPECIFIC PROVISIONS FOR TRANSIT PASSAGE THROUGH ARCHI-

PELAGIC WATERS AND OTHER NEEDED PROTECTIONS FOR

NAVIGATION AND OVERFLIGHT. WE WOULD NOT BE ABLE, HOWEVER, TO SUPPORT THE ARCHIPELAGIC CONCEPT OUTSIDE THE CONTEXT OF A SATISFACTORY LOS TREATY WHICH INCLUDED AS WELL ADEQUATE STRAITS TRANSIT PASSAGE.

-- WE BELIEVE THAT A REASONABLE COMPROMISE ON DEEP SEABED MINING IS TO ESTABLISH A PARALLEL SYSTEM OF EXPLOITATION WHICH WOULD PERMIT STATES AND ENTITIES SPONSORED BY STATES, AS WELL AS AN INTERNATIONAL ENTERPRISE, TO BEGIN MINING IN THE SAME TIME FRAME. A TREATY THAT DID NOT PROVIDE ASSURED ACCESS TO DEEP SEABED MINERAL RESOURCES FOR PRIVATE COMPANIES WOULD PROBABLY NOT OBTAIN SENATE CONSENT.

-- IN THE ABSENCE OF A TREATY WITH ACCEPTABLE SEABED MINING PROVISIONS, MINING WILL UNDOUBTEDLY TAKE PLACE AS AN EXERCISE OF HIGH SEAS FREEDOMS. IN SUCH A CASE, THE LIMITATIONS CONTAINED IN THE LOS DRAFT TEXT FOR PROTECTING THE INTERESTS OF LAND-BASED PRODUCERS OF THE MINERALS INVOLVED (INCLUDING INDONESIA) WOULD NOT EXIST.

-- THE UNITED STATES CAN ACCEPT THE IDEA OF A REVIEW CONFERENCE TWENTY YEARS AFTER A TREATY HAS COME INTO FORCE, BUT NOT ONE THAT WOULD RESULT IN THE CONVERSION OF THE PARALLEL SYSTEM INTO A JOINT VENTURE SYSTEM WITHOUT THE CONFIDENTIAL

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EXPRESS CONSENT OF THE PARTIES INVOLVED.

-- WE HAVE A COMMON INTEREST IN SEEKING A FINAL COMPROMISE ON A SEABED MINING REGIME SO THAT OUR MUTUAL OBJECTIVES CAN BE ACHIEVED.

-- WE HOPE TO HAVE THE SUPPORT OF INDONESIA FOR THE STRAIT TRANSIT PASSAGE REGIME IN THE CURRENT TEXT, WHICH IS AS IMPORTANT TO US AS THE ARCHIPELAGIC CONCEPT IS TO INDONESIA. WE WOULD OPPOSE ANY EFFORT TO CHANGE THE EXISTING STRAITS ARTICLES, BUT WE WOULD SUPPORT EFFORTS IN IMCO TO ESTABLISH A TRAFFIC SEPARATION SYSTEM WITH PROVISIONS ON UNDER KEEL CLEARANCE IN THE MALACCA STRAIT. WE DO NOT THINK IT WOULD BE WISE TO OPEN UP THE LOS TEXT IN THIS AREA, GIVEN THE GENERAL AGREEMENT ON THE COMPROMISES ALREADY WORKED OUT AMONG THE CONCERNED PARTIES AND GIVEN OUR WILLINGNESS TO WORK WITH INDONESIA IN IMCO ON SPECIFIC POLLUTION PROBLEMS. CHRISTOPHER

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